

ENTERED

February 22, 2018

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**ZHEJIANG MEDICINE CO., LTD.,
and ZMC-USA, LLC,**

Plaintiffs,

v.

KANEKA CORPORATION,

Defendant.

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CASE NO. 4:11-CV-1052

AMENDED FINAL JUDGMENT

On the 3rd day of January, 2018, the above-styled and numbered case came for trial. Both sides appeared and announced ready for trial, and the case was tried to a jury from January 3, 2018 to January 12, 2018. The case was submitted to the jury on January 12, 2018. The jury questions and answers were as follows:

Question No. 1

Has Kaneka proven, by a preponderance of the evidence, that ZMC-USA's CoQ10 products were manufactured by a process that infringed the following claims of Kaneka's '340 patent?

Answer "yes" or "no" for each patent claim listed below.

ZMC-USA

Claim 22 No

Claim 33 No

Question No. 2

Has Kaneka proven, by a preponderance of the evidence, that ZMC has induced infringement of the following claims of Kaneka's '340 patent?

Answer "yes" or "no" for each patent claim listed below.

ZMC

Claim 22 No

Claim 33 No

Question No. 3

Have ZMC or ZMC-USA proven, by clear and convincing evidence, that any of the following claims of Kaneka's '340 patent are invalid as obvious?

Answer "yes" or "no" for each patent claim listed below

Claim 22 No

Claim 33 No

If you answered "yes" to any part of Question 1 or Question 2 and answered "no" to a corresponding part of Question 3, please answer the following question.

Question No. 4

What sum of money, if paid now in cash, should be awarded to Kaneka as royalty damages?

Answer in dollars and cents, or none.

\$ Not Answered

Based on the verdict of the jury, the Court **ENTERS** the following judgment:


Judgment is **GRANTED** on Plaintiffs' declaratory judgment claim of non-infringement and Judgment is **DENIED** on Plaintiffs' claims of invalidity on the issue of obviousness. Judgment is **DENIED** on Defendant's counterclaim of infringement.

Plaintiffs' claims of invalidity on the issues of patentable subject matter, indefiniteness, and enablement are **DISMISSED without prejudice as moot**.

This is a **FINAL JUDGMENT**.

The Clerk shall enter this Order and provide a copy to all parties.

SIGNED on this the 22nd day of February, 2018 at Houston, Texas.



VANESSA D. GILMORE
UNITED STATES DISTRICT JUDGE